UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,635	05/15/2001	Jukka-Pekka Salmenkaita	4208-4012	8048

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EXAMINER
ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
2175	

DATE MAILED: 06/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-45* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-45* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5, 6, 7</u> .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because in the abstract, lines 1-2, "is

disclosed" should be deleted. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Gershman et al.

(U.S. Patent No. 6,199,099).

As to claims 1, 22, and 25, <u>Gershman et al.</u> discloses a method to enable a wireless device to provide recommendations to its user that are appropriate to the device's current environment (See column 2, lines 56-65), comprising:

a processor;

a memory coupled to the processor (See column 4, lines 23-44), programmed to:

receiving sensor signals characterizing a current environment of the wireless device (See column 52, lines 3-20, also see column 59, lines 19-34);

processing the sensor signals with a context inference engine (See column 42, lines 1-25);

outputting a current context result from the processing by the context inference engine (See column 35, lines 30-60);

forming a context-activity pair by selecting an activity and pairing it with the current context result (See column 38, lines 21-31);

searching a database of recommendations using the context-activity pair (See column 31, lines 1-55); and

providing recommendations to the user in response to the searching step (See column 28, lines 1-23, also see column 30, lines 64-67, and column 31, lines 1-19, wherein "context-activity pair" reads on "customer profile database....customer behavior", and wherein "recommendations" reads on "advise").

As to claims 2, and 23, <u>Gershman et al.</u> discloses wherein the processing of the sensor signals with a context inference engine is embodied as programmed instructions executed within

the user's wireless device (See column 51, lines 19-44, wherein "programmed instructions" reads on "software").

As to claim 3, and 24, Gershman et al. discloses wherein the processing of the sensor signals with a context inference engine is embodied as programmed instructions executed within a separate network server in response to signals from the user's wireless device (See column 51, lines 40-50).

As to claim 4, Gershman et al. discloses wherein the sensor signals are selected from the group consisting of positioning signals, touch signals, audio signals, compass signals, ambient light signals, ambient temperature signals, three-axis acceleration signals, time signals, and the device's operational mode signals (See column 29, lines 1-51).

As to claim 5, Gershman et al. discloses wherein the wireless device offloads a portion of the processing of the sensor signals to a context inference engine to the server (See column 38, lines 2-32).

As to claim 6, Gershman et al. discloses wherein the selecting of an activity is automatically performed in the wireless device (See column 51, lines 19-44, wherein "automatically performed" reads on "software").

As to claim 7, <u>Gershman et al.</u> discloses wherein the selecting of an activity performed by the user in the wireless device (See column 2, lines 60-67, and see column 3, lines 1-2).

As to claim 8, <u>Gershman et al.</u> discloses wherein the signals from the user's wireless device are sent to the server without any user identification (See column 58, lines 8-27, wherein "without including any user identification" reads on "without a user profile", also see column 38, lines 33-52).

As to claims 9, and 37, <u>Gershman et al.</u> discloses which further comprises:

providing the recommendation in a separate server in response to context-activity pair information received at the server from the user's wireless device (See column 29, lines 1-22).

As to claims 10, and 38, <u>Gershman et al.</u> discloses which further comprises:

maintaining the database as a context-activity pair database by the server (See column 34, lines 58-66);

associating in the database the context-activity pair information with appropriate recommendations made in the past to many users (See column 34, lines 9-42).

As to claims 11, and 39, <u>Gershman et al.</u> discloses which further comprises:

making new recommendations to the user in response to the context-activity pair information submitted by the wireless device (See column 53, lines 48-67, and column 54, lines 1-10); and

gathering the new recommendations and adding them to the database (See column 34, lines 1-7);

whereby the variety, quality and pertinence of the recommendations in the database grows as the recommendation system is used (See column 29, lines 65-67, and column 30, lines 1-27).

As to claims 12, 29, and 40, Gershman et al. discloses which further comprises: compiling statistical usage information about the recommendations and storing the usage information in the database (See column 33, lines 53-61).

As to claims 13, 30, and 41, Gershman et al. discloses which further comprises: providing the statistical usage information to the wireless device accompanying the recommendations (See column 31, lines 49-65, also see column 33, lines 62-67, and column 34, lines 1-28, wherein "to the wireless device" reads on "the page is returned to the user").

As to claims 14, 31, and 42, Gershman et al. discloses which further comprises: filtering the recommendations received at the wireless device by using the statistical usage information accompanying the recommendations (See column 31, lines 49-65, also see column 33, lines 62-67, and column 34, lines 1-7, wherein "at the wireless device" reads on "the page is returned to the user").

As to claims 15, and 43, <u>Gershman et al.</u> discloses wherein said providing step further comprises:

filtering the recommendations at the wireless device using statistical usage information associated with the recommendations (See column 31, lines 49-65, also see column 33, lines 62-67, and column 34, lines 1-7).

As to claims 16, 32, and 44, <u>Gershman et al.</u> discloses wherein said providing step further comprises:

accessing a history log of previous recommendations provided to the user (See column 30, lines 64-67, and column 31, lines 1-5, wherein "recommendations" reads on "advice");

filtering new recommendations from the previous recommendations and providing the new recommendations to the user (See column 33, lines 53-67, also see column 34, lines 1-7).

As to claims 17, 33, and 45, <u>Gershman et al.</u> discloses wherein said providing step further comprises:

accessing a history log of previous recommendations provided to the user, including ratings of the previous recommendations (See column 30, lines 64-67, and column 31, lines 1-5, wherein "recommendations" reads on "advice");

filtering recommendations using the ratings and providing the filtered recommendations to the user (See column 33, lines 53-67, also see column 34, lines 1-7).

As to claims 18, and 34, <u>Gershman et al.</u> discloses which further comprises: providing the recommendations to an application program (See column 1, lines 51-53, also see abstract, and see column 31, lines 19-28).

As to claim 19, <u>Gershman et al.</u> discloses which further comprises:

providing to the user control over the privacy of the user's information within the network server (See column 30, lines 30-63).

As to claim 20, <u>Gershman et al.</u> discloses which further comprises:

maintaining the database as a context-activity pair database by the server, which contains no personal information about the user (See column 58, lines 8-27, wherein "without including any user personal data" reads on "without a user profile");

associating in the database the context-activity pair information with appropriate recommendations made in the past to many users (See column 34, lines 9-42).

As to claim 21, <u>Gershman et al.</u> discloses which further comprises:

making new recommendations to the user in response to the context-activity pair information submitted by the wireless device (See column 39, lines 7-25, wherein "new" reads on "updated", also see column 33-60, also see column 38, lines 44-61); and

gathering the new recommendations and adding them to the database without any personal information about the user (See column 58, lines 8-27, wherein "without including any user personal data" reads on "without a user profile").

As to claim 26, <u>Gershman et al.</u> discloses a system to provide recommendations to the

user of a wireless device that is appropriate to the device's current environment (See column 56,

lines 8-25, also see column 39, lines 1-24, wherein "recommendations" reads on "advice"),

comprising:

a sensor in the wireless device for providing sensor signals characterizing a current

environment of the wireless device (See column 52, lines 3-20, also see column 59, lines 19-34);

a processor coupled to the sensor (See figure 26, 2634, shows "sensor", 2640, shows

"processor" represented by "computer"), for forming pair information by selecting an activity

and pairing it with current sensor information derived from said sensor signals (See column 38,

lines 21-31, also see column 38, lines 21-31), said processor sending the pair information to a

server (See column 34, lines 1-20);

a context inference engine in the server coupled to the wireless device (See figure 27B,

2722, shows "server" represented by "Mobile Portal Server", 2726, shows "a context inference

engine" represented by "customer intelligence through data mining and pattern recognition"), for

processing the current sensor information (See column 42, lines 1-25), said context inference

engine providing a current context result from the processing (See column 38, lines 21-31);

a database coupled to the context inference engine (See column 58, lines 1-23, also see

figure 25, 2580, shows "a context inference engine" represented by "Intelligent agents

coordinator", 2590, shows "database"), for providing recommendations using the activity and

current context activity pair (See column 53, lines 65-67, and column 54, lines 1-10, wherein

"the current context" reads on "shopper's location", and wherein "related service history items"

reads on "matches their previously stated goals"); and

an output device in the wireless device and coupled to the database, for providing the

recommendations to the user (See column 31, lines 37-55, also see column 30, lines 1-6, wherein

"recommendations" reads on "advice").

As to claim 27, Gershman et al. discloses a business method to enable a wireless device

to provide recommendations to its user that are appropriate to the device's current environment

(See column 56, lines 8-25, also see column 39, lines 1-24, wherein "recommendations" reads on

"advice"), comprising:

characterizing a current environment of the wireless device with a current context result

(See column 38, lines 21-31);

forming a context-activity pair by selecting an activity and pairing it with the current

context result (See column 39, lines 1-24, wherein "context-activity pair" read son "user

profile");

accessing a database of recommendations using the context-activity pair without

including any user personal data (See column 58, lines 8-27, wherein "without including any

user personal data" reads on "without a user profile"); and

providing recommendations to the wireless device from the database (See column 31,

lines 37-55, also see column 30, lines 1-6, wherein "recommendations" reads on "advice").

As to claim 28, Gershman et al. discloses which further comprises:

gathering the new recommendations and adding them to the database without including

any user personal data (See column 58, lines 8-27, wherein "without including any user personal

data" reads on "without a user profile").

As to claim 35, Gershman et al. discloses which further comprises:

providing at least portions of the database to a third party service provider (See column

29, lines 1-22).

As to claim 36, Gershman et al. discloses a method to enable a wireless device to provide

recommendations to its user that are appropriate to the device's current environment (See column

56, lines 8-25, also see column 39, lines 1-24, wherein "recommendations" reads on "advice"),

comprising:

receiving sensor signals characterizing a current environment of the wireless device (See

column 52, lines 3-20, also see column 59, lines 19-34);

processing the sensor signals with a context inference engine to produce a set of current

context results (See column 38, lines 21-31),

forming a set of context-activity pairs by selecting an activity and pairing it with the set

of current context results (See column 58, lines 1-23);

accessing a set of related service history items from a history log (See column 58, lines 1-

18);

forming context-activity pair information from the set of current context results and the

set of related service history items (See column 58, lines 1-18, also see column 40, lines 1-12);

searching a database of recommendations using the context-activity pair information; and

providing recommendations to the user in response to the searching step (See column 31, lines

37-55, also see column 30, lines 1-6, wherein "recommendations" reads on "advice").

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Linden et al. (U.S. Pub. No. 2002/0198882 A1) teaches content personalization based

actions performed during a current browsing session.

Delgado et al. (U.S. Pub. No. 2002/0052873 A1) teaches system and method for

obtaining user preferences and providing user recommendations for unseen physical and

information goods and services.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114.

The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-746-7239 for regular

communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

Neveen Abel-Jalil
June 11, 2003

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